

REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-45 and 47-64 are currently pending. Claim 46 has been cancelled; and Claims 1-3, 9, 10, 39, 44, and 63 have been amended by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 44-47, 49, and 60 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,272,481 to Lawrence et al. (hereinafter “the ‘481 patent”)¹; Claims 1, 6-8, 10, 12, 17-29, 32-42, and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘481 patent in view of U.S. Patent No. 7,065,528 to Herz et al. (hereinafter “the ‘528 patent”)²; Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘481 patent, further in view of U.S. Patent Application Publication No. 2002/0194029 to Guan et al. (hereinafter “the ‘029 application”)³; Claims 14, 31, and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘481 patent, the ‘528 patent, and the ‘029 application⁴; and Claims 2-5, 9, 11, 13, 15, 16, 30, 48, 50-57, 59, 61, 62, and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘481 patent and the ‘528 patent, further in view of Official Notice.

Amended Claim 44 is directed to a medical information supply system connected to a remote terminal and a plurality of databases, the system comprising:

an input unit configured to input, by a user of the remote terminal, first patient information of a patient and user information of the user of the remote terminal from the remote

¹ However, Applicants note that Claim 60 is not listed in item 5 on page 2 of the Office Action.

² However, Applicants note that Claims 45-47, 49, and 60 are incorrectly listed in item 3 on page 5 of the outstanding Office Action.

³ Applicants note that page 5 of the outstanding Office Action incorrectly lists Claim 43 as being rejected based on the ‘481 patent and ‘528 patents.

⁴ Applicants note that page 15 of the outstanding Office Action incorrectly omits the ‘528 patent.

terminal, wherein the user information includes user identification information, user role information, and situation information;

a processor configured to make a request to one or more of the databases so as to collect second patient information based on the first patient information and the user information;

a transmitter configured to transmit the second patient information to the remote terminal; and

a display unit configured to display the second patient information.

Claim 44 has been amended to incorporate the limitations of Claim 46. Accordingly, no new matter has been added.

The '481 patent is directed to a hospital-based integrated medical computer system for processing medical and patient information and for evolving medical knowledge, diagnoses, and prognoses. As shown in Figure 1, the '481 patent discloses a medical computer system that includes a medical processor 3, medical databanks 5, 7, and 9, physician access points 61-65, patient access points 49, 47, and 57, and a general patient databank 27. See also Figure 2. The '481 patent discloses that the medical information system is contemplated for use in a campus environment where several buildings comprising the hospital or where several hospitals are interlinked via an integrated services digital network (ISDN).

However, Applicants respectfully submit that the '481 patent fails to disclose an input unit configured to input, by a user of the remote terminal first patient information of a patient and user information of the user of the remote terminal from the remote terminal, wherein the user information includes user identification information, user role information, and situation information, as recited in amended Claim 44. Applicants respectfully submit that the '481 patent is silent regarding the user role information and the situation information recited in amended Claim 44.

Further, Applicants respectfully submit that the '481 patent fails to disclose a processor configured to make a request to one or more of the databases so as to collect second patient information based on the first patient information and the user information, as recited in Claim 44. Rather, column 13, lines 10-53 in the '481 patent merely disclose patient access point units and medical card centers.

Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 44 (and all associated dependent claims) is rendered moot by the present amendment to Claim 44.

Amended Claim 1 is directed to a cyber hospital system connected to a remote terminal through a network, the system comprising:

an input unit configured to input patient condition information for a patient from the remote terminal through the network;

a first processor configured to predict a disease name based on the patient condition information and to collect first doctor information by searching a database including at least the predicted disease name and a doctor name based on the predicted disease name;

a transmitter configured to transmit the first doctor information to the remote terminal; and

a patient information supplier configured to supply patient information, based on user role information and situation information, from a database storing the patient information, which includes medical information, health information, and nursing care information.

The changes to Claim 1 are supported by the originally filed specification and do not add new matter.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Office Action asserts that the '481 patent discloses everything in Claim 1 with the exception of the first processor and the display unit, and relies on the '528 patent to remedy that deficiency.

As discussed above, the '481 patent is directed to a hospital-based integrated medical computer system for processing medical and patient information.

However, as admitted in the outstanding Office Action, the '481 patent fails to disclose the first processor and the display unit recited in Claim 1. Further, Applicants respectfully submit that the '481 patent fails to disclose a first processor configured to predict a disease name based on the patient condition information and to collect first doctor information by searching a database including at least the predicted disease name and a doctor name based on the predicted disease name, as recited in amended Claim 1.

Further, Applicants respectfully submit that the '481 patent fails to disclose a patient information supplier configured to supply patient information, based on user role information and situation information, from a database storing the patient information, as recited in amended Claim 1.

The '528 patent is directed to a method of providing medical professional referral services, including accepting information about a patient's identity and medical needs; accepting information about the medical specialty, personal characteristics, and referral fees paid by candidate physicians; and providing a referring physician access to a matching system that matches a patient to one or more candidate physicians that are available to handle the patient.

However, Applicants respectfully submit that the '528 patent is silent regarding a first processor configured to predict a disease name based on the patient condition information and to collect first doctor information by searching a database including at least a predicted disease name and a doctor name based on the predicted disease name, as recited in amended Claim 1. Further, Applicants respectfully submit that the '528 patent fails to disclose a patient information supplier configured to supply patient information based on a user role information and situation information, as recited in amended Claim 1.

Thus, no matter how the teachings of the '481 and '528 patents are combined, the combination does not teach or suggest the first processor and the patient information supplier recited in amended Claim 1. Accordingly, Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim.

Claim 43 is directed to a cyber-hospital system connected to a remote terminal through a network, the system comprising: (1) an input unit configured to input patient location information for a patient from the remote terminal through the network, the patient location information indicating the current physical location of the patient; (2) a processor configured to collect medical facility information based on the patient location information; (3) a transmitter configured to transmit the medical facility information to the remote terminal; and (4) a display unit configured to display the medical facility information.

Regarding the rejection of Claim 43, the Office Action asserts that the '481 patent discloses everything in Claim 43 with the exception of an input unit configured to input patient location information from the remote terminal to the network, the patient location information indicating the current physical location of the patient, and relies on the '029 application to remedy that deficiency.

As discussed above, the '481 patent is directed to a hospital-based integrated medical computer system to process medical and patient information. However, as admitted in the outstanding Office Action, the '481 patent fails to disclose an input unit configured to input patient location information for a patient from the remote terminal to the network, the patient location information indicating the current physical location of the patient, as recited in Claim 43.

The '029 application is directed to a medical care management system having a database of patient information including medical history records. Regarding the input unit configured to input patient location information indicating the current physical location of the

patient, the Office Action cites to paragraphs [0011], [0012], and [0024] in the '029 application as disclosing this limitation. However, Applicants respectfully submit that these passages in the '029 application fail to disclose that patient location information indicating the current physical location of a patient is input in an input unit for a patient, as required by Claim 43.

For example, paragraph [0011] in the '029 application merely discloses that a product called "Mobile View" allows a cell phone or other wireless communication device to access medical data stored at a hospital remotely. Further, paragraph [0012] of the '029 application describes a system that facilitates the sharing of information and records between physicians in a particular location, such as medical offices, and with hospitals and other patient treatment centers, in addition to pharmacies or insurance providers. However, Applicants respectfully submit that paragraph [0012] of the '029 application does not disclose that a patient's current physical location is input into an input unit, as required by Claim 43. Further, paragraph [0024] of the '029 application again merely discloses a variety of interfaces for data input and manipulation and utilization of data stored in a system, including personal computing assistants, touch screens and voice recognition. However, paragraph [0024] is silent regarding the inputting of patient location information indicating the current physical location of the patient, as required by Claim 43.

Thus, no matter how the teachings of the '481 patent and the '029 application are combined, the combination does not teach or suggest an input unit configured to input patient location information for a patient from a remote terminal to the network, the patient location information indicating the current physical location of the patient, as required by Claim 43. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and the rejection of Claim 43 should be withdrawn.

Amended Claim 63 is directed to a method of supplying a remote terminal with certain information, the method comprising:

inputting, by a user of the remote terminal, first patient information and user information of the user of the remote terminal from the remote terminal, wherein the user information includes user identification information, user role information, and situation information;

making a request to one or more databases so as to collect second patient information based on the first patient information and the user information; and

transmitting the second patient information to the remote terminal as the certain information.

Claim 63 has been amended to incorporate the limitations of Claim 46. Accordingly, no new matter has been added. As discussed above, the '481 patent fails to disclose inputting, by a user of the remote terminal, first patient information and user information of the user of the remote terminal, wherein the user information includes user identification information, user role information, and situation information. Further, Applicants respectfully submit that the '481 patent fails to disclose making a request to one or more databases so as to collect second patient information based on the first patient information **and** the user information, as recited in Claim 63.

Applicants respectfully submit that the '528 patent fails to remedy the deficiencies of the '481 patent.

Accordingly, no matter how the teachings of the '481 and '528 patents are combined, the combination does not teach or suggest the inputting or making steps recited in amended Claim 63. Accordingly, Applicants respectfully submit that the rejection of Claim 63 is rendered moot by the present amendment to that claim.

Claim 64 is directed to a method of medical information processing, the method comprising: (1) inputting patient condition information and patient identification information

from a remote terminal through a network; (2) collecting patient information based on the patient identification information; (3) deducing a medical condition of the patient based on the patient condition information and the patient information; (4) preparing a medical action plan based on the deduced medical condition; (5) forecasting, by a processor of a computer, a future condition of the patient that is expected by implementing the medical action plan on the patient; and (6) displaying the future condition of the patient on a display.

As admitted by the outstanding Office Action, the '481 patent fails to disclose the deducing, preparing, and forecasting steps recited in Claim 64. In this regard, Applicants note that page 28 of the outstanding Office Action take Official Notice that it is well known in medical arts to perform these steps. Applicants respectfully again traverse the Official Notice in the outstanding Office Action, and respectfully request that a reference be provided to show these teachings. Further, Claim 64 recites that the forecasting is performed by a processor of a computer to generate a future condition of the patient that is expected by implementing a medical action plan on the patient, and recites displaying the future condition of the patient on a display. Applicants respectfully submit that such steps are not well known, nor would they have been obvious based on the teachings of the '481 patent. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and the rejection of Claim 64 should be withdrawn.

Further, Applicants note that M.P.E.P. § 2144.03 states that a "substantial evidence" standard applies to the taking of Official Notice, and that Official Notice should only be taken when it is supported by documentary evidence and where the facts asserted to be well known or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known. Applicants respectfully submit that the Office Action has failed to provide evidence that the deducing, preparing, and forecasting steps recited in Claim 64 are capable of instant and unquestionable demonstration as being well known.

Rather, the Office Action merely concludes that these three steps in Claim 64 are well known. Further, Applicants note that the previous response traversed the taking of Official Notice with respect to the claims, including Claim 64, but that the Office Action has not addressed that traversal and has not provided a reference that discloses the limitations in question. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 64 should be withdrawn.

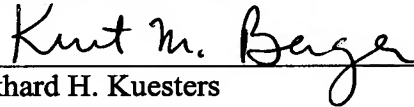
Regarding the separate rejection of dependent claims that depend from Claims 1 and 44, Applicants respectfully submit that the rejection of claims depending from Claim 1 are rendered moot by the present amendment to that claim. Regarding the rejections of the claims depending from Claim 44, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection should be withdrawn. Further, as discussed above, Applicants respectfully traverse the Official Notice taken in the outstanding Office Action, and respectfully request that the Office provide references to support the Official Notice regarding the claims dependent from Claim 44.

Thus, it is respectfully submitted that independent Claims 1, 43, 44, 63, and 64 (and all associated dependent claims) patentably define over any proper combination of the '481 patent, the '528 patent, and the '029 application.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Kurt M. Berger, Ph.D.
Registration No. 51,461